

**U.S. Department of the Interior
Bureau of Land Management
Royal Gorge Field Office
3028 E. Main Street
Cañon City, CO 81212**

CATEGORICAL EXCLUSION

NUMBER: DOI-BLM-CO-200-2013-0033 CX

CASEFILE/PROJECT NUMBER: COC-36824

PROJECT NAME: Geller access road renewal - Howard

PLANNING UNIT: Arkansas River Subregion #1

LEGAL DESCRIPTION: Colorado, Fremont County, New Mexico Principal Meridian,
T. 48 N., R. 10 E., Sec. 11, S1/2SE1/4SW1/4.

APPLICANT: Jacob and Martha Geller

DESCRIPTION OF PROPOSED ACTION:

On February 28, 2013, Jacob and Martha Geller submitted an application requesting the renewal of their right of way (ROW) for a gravel access road across public land, authorized under serial number COC-36824. The ROW is located in Fremont County, approximately 2.0 miles south of Howard, CO, off Fremont County Road 47. The ROW is used to access their primary residence year-round. The length of the existing road right of way is 345 feet long and 15 feet wide, approximately 0.12 acres of public lands, more or less. Refer to Figures 1 and 2, the overview and project maps. Authorization for an existing 18 inch culvert which was required under the original grant to maintain flow of the irrigation ditch will be included in the renewal (Figure 3).

There are two existing gate posts for a chain gate (Figure 4) located on BLM that the Geller's claim had been installed by the previous ROW holders, prior to their assignment of the ROW. This gate will be incorporated into, and authorized by the new grant, as opposed to additional disturbance to the area from the removal/relocation of the gate posts. The gate will remain a single chain gate, with no improvements or modifications allowed without an application for an amendment to the grant. The Geller's driveway is off of Shamrock Lane and crosses their private land before crossing public lands. There is no public access along the private driveway to the public lands where the chain gate is located; therefore, no impact to the public should occur by leaving the existing gate in place.

The road will be authorized for a term of 30 years and will expire December 31, 2044.

PLAN CONFORMANCE REVIEW:

Name of Plan: Royal Gorge Resource Management Plan

Date Approved: May 13, 1996

Decision Number: C-116. Authorize minor ROWs on a case-by-case basis utilizing criteria for ROW objectives in each specific eco-subregion.

The proposed action has been reviewed for conformance with this plan (43 CFR 1610.5, BLM 1617.3).

CATEGORICAL EXCLUSION REVIEW: This proposed action is listed as a Categorical Exclusion in DOI Departmental Manual Part 516 Chapter 11 E (9). None of the following exceptions in 516 DM 2, Appendix 2, apply.

Exclusion	YES	NO
1. Have significant impacts on public health or safety.	<u> </u>	<u> X </u>
2. Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation, or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands; floodplains; national monuments; migratory birds; and other ecologically significant or critical areas.	<u> </u>	<u> X </u>
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources.	<u> </u>	<u> X </u>
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.	<u> </u>	<u> X </u>
5. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.	<u> </u>	<u> X </u>
6. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.	<u> </u>	<u> X </u>
7. Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by either the bureau or office.	<u> </u>	<u> X </u>
8. Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species.	<u> </u>	<u> X </u>
9. Violate a Federal law, or a State, local or tribal law or requirement imposed for the protection of the environment.	<u> </u>	<u> X </u>
10. Have a disproportionately high and adverse effect on low income or minority populations.	<u> </u>	<u> X </u>
11. Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites.	<u> </u>	<u> X </u>
12. Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species.	<u> </u>	<u> X </u>

INTERDISCIPLINARY TEAM REVIEW			
NAME	TITLE	AREA OF RESPONSIBILITY	Initials/date
Matt Rustand	Wildlife Biologist	Terrestrial Wildlife, T&E, Migratory Birds	MR, 3/4/2015
Jeff Williams	Range Management Spec.	Range, Vegetation, Farmland	JW, 01/28/2015
Chris Cloninger	Range Management Spec.	Range, Vegetation, Farmland	-----
John Lamman	Range Management Spec.	Weeds	JL, 01/29/2015
Dave Gilbert	Fisheries Biologist	Aquatic Wildlife, Riparian/Wetlands	DG, 04/09/2015
Stephanie Carter	Geologist	Minerals, Paleontology, Waste Hazardous or Solid	SSC, 3/16/15
Melissa Smeins	Geologist	Minerals, Paleontology	-----
John Smeins	Hydrologist	Hydrology, Water Quality/Rights, Soils	JS, 01/28/15
Ty Webb	Fire Management Officer	Air Quality, Fire	TW, 01/30/15
Linda Skinner	Outdoor Recreation Planner	Recreation, Wilderness, Visual, ACEC, W&S Rivers	LS, 01/29/15
Ken Reed	Forester	Forestry	KR, 2/2/15
Monica Weimer	Archaeologist	Cultural, Native American	MMW 1/28/15
Michael Troyer	Archaeologist	Cultural, Native American	-----
Greg Valladares	Realty Specialist	Realty	GDV, 01/28/15
Dave Parker	Cadastral Surveyor	Cadastral Surveyor	DP, 2/4/15
Steve Cunningham	Law Enforcement Ranger	Law Enforcement	N/A

REMARKS:

Cultural Resources: No historic properties were found in the area of potential effect [see report CR-RG-15-51 P; see also CR-RG-15-117 C], which was inventoried in the course of another undertaking. Therefore, the proposed undertaking will have no effect on any historic properties (those eligible for the NRHP).

Native American Religious Concerns: No possible traditional cultural properties were located during the cultural resources inventory (see above). There is no other known evidence that suggests the project area holds special significance for Native Americans.

Forestry: The BLM woodlands in this area have been scheduled for tree thinning by Range and HPP.

Realty: The existing gate should remain a single chain gate, with no improvements or modifications allowed without an application for an amendment to the grant.

Holder should maintain the right-of-way in a safe, usable condition, as directed by the authorized officer. (A regular maintenance program should include, but is not limited to, blading, ditching, culvert installation, and surfacing.)

Threatened and Endangered Species: There are no records of any federally listed or BLM sensitive species within or near the project area. The Proposed Action will not result in impacts to TES species.

Migratory Birds: To be in compliance with the Migratory Bird Treaty Act (MBTA) and the Memorandum of Understanding between BLM and USFWS required by Executive Order 13186, BLM must avoid actions, where possible, that result in a “take” of migratory birds. Pursuant to BLM Instruction Memorandum 2008-050, to reduce impacts to Birds of Conservation Concern (BCC), no habitat disturbance (removal of vegetation such as timber, brush, or grass) is allowed during the periods of May 15 - July 15, the breeding and brood rearing season for most Colorado migratory birds. The provision will not apply to completion activities in disturbed areas that were initiated prior to May 15 and continue into the 60-day period.

An exception to this timing limitation will be granted if nesting surveys conducted no more than one week prior to vegetation-disturbing activities indicate no nesting within 30 meters (100 feet) of the area to be disturbed. Surveys shall be conducted by a qualified breeding bird surveyor between sunrise and 10:00 a.m. under favorable conditions.

Wastes, Solid or Hazardous: It is assumed that conditions associated with the proposed project site are currently clean and that no contamination is evident. No hazardous material, as defined by 42 U.S.C. 9601 (which includes materials regulated under CERCLA, RCRA and the Atomic Energy Act, but does not include petroleum or natural gas), will be used, produced, transported or stored during project implementation. Nothing in the analysis or approval of this action by BLM authorizes or in any way permits a release or threat of a release of hazardous materials (as defined under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. 9601 et seq., and its regulations) into the environment that will require a response action or result in the incurrence of response costs.

Mitigation Measures:

COMPLIANCE PLAN (optional): Routine compliance will be conducted by the Royal Gorge Field Office Realty Staff.

NAME OF PREPARERS: Initiated by Vera Matthews, Realty Specialist.
Completed by Greg Valladares, Realty Specialist.

SUPERVISORY REVIEW: /s/ Jay M. Raiford

NAME OF ENVIRONMENTAL COORDINATOR: /s/ Martin Weimer

DATE: 4/20/15

DECISION AND RATIONALE: I have reviewed this Categorical Exclusion and have decided to implement the Proposed Action.

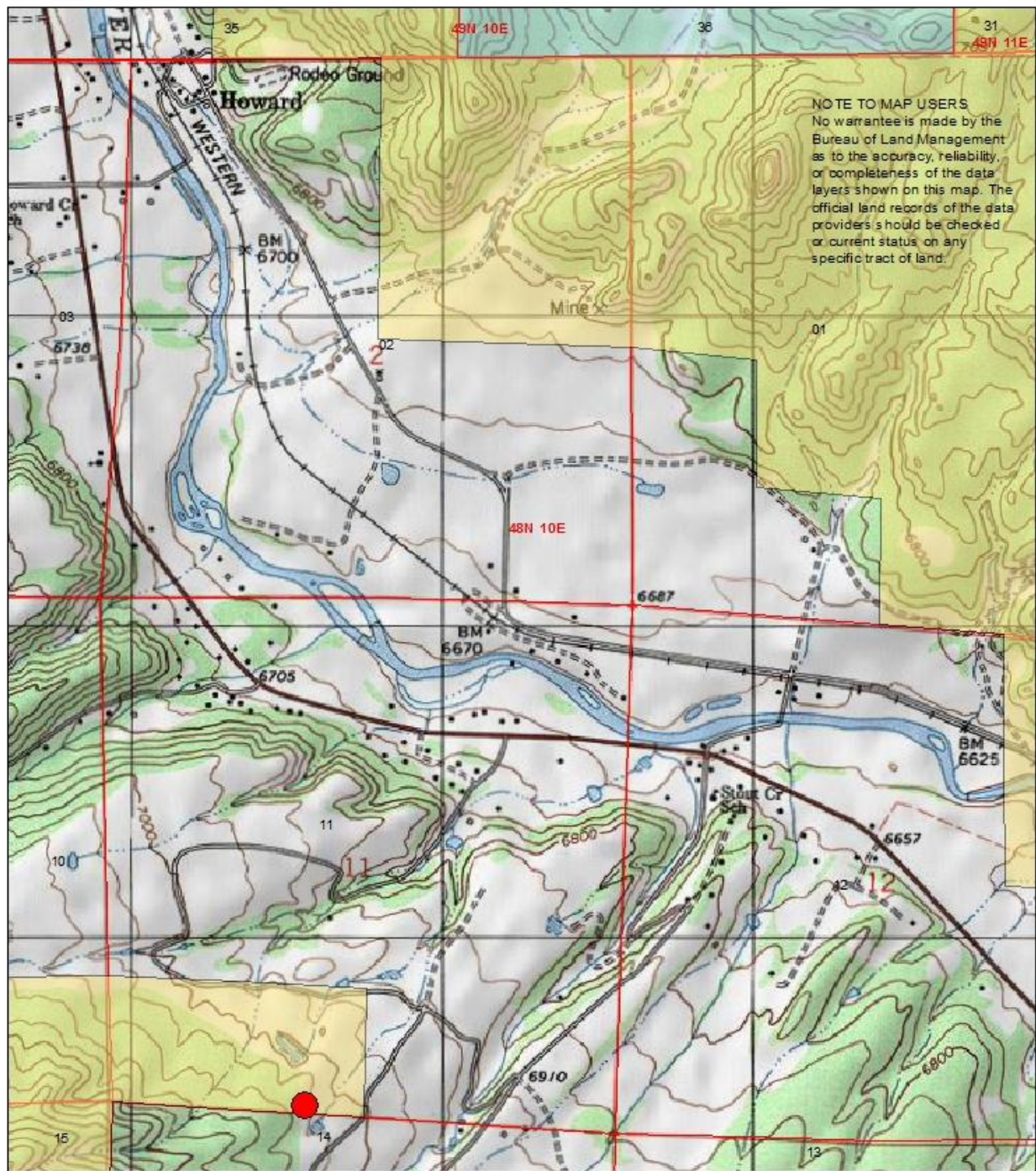
This action is listed in the Department Manual as an action that may be categorically excluded. I have evaluated the action relative to the 12 criteria listed above and have determined that it does not represent an exception and is, therefore, categorically excluded from further environmental analysis.

SIGNATURE OF AUTHORIZED OFFICIAL:

/s/ Keith E. Berger
Keith E. Berger, Field Manager

DATE SIGNED: 4/13/15

Figure 1



COC-36824 Geller ROW Renewal Overview Map

Legend
● Geller Access Road ROW

DOI-BLM-CO-F02-2013-033 CX



0 0.125 0.25 0.5 0.75 Miles

Figure 2



Legend

- Approx. Culvert Location
- Approx. Gate Location
- Geller ROW

COC-36824 Geller ROW Renewal Project Map

DOI-BLM-CO-F02-2013-033 CX

23PM, T. 48N, R. 10E, Sec. 11

0 0.0125 0.025 0.05 Miles



Figure 3. 18-inch culvert in access road.



Figure 4. Chain gate and post (shadow of other post on right).

